

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA,

ANDREW R. LOPEZ,

Petitioner,

No. CIV-S-02-2559 GEB KJM P

vs.

WARDEN, CALIFORNIA STATE
PRISON, CORCORAN, et al.,

Respondents.

ORDER

On October 18, 2006, this cause came on regularly for status conference. Alister McAlister appeared for petitioner; Deputy Attorney General Heather Heckler appeared for respondents. Based on the discussion occurring at the status conference, the court's file, and good cause appearing, IT IS HEREBY ORDERED that petitioner is granted thirty days within which to file a motion for evidentiary hearing¹ concerning whether petitioner requested that certain witnesses be present at the disciplinary hearing at issue in this action. Respondent shall

¹ Petitioner should refer to 28 U.S.C. § 2254(e)(2) for the prerequisites for granting evidentiary hearings in habeas matters. Also, petitioner is informed that a state habeas petitioner is entitled to an evidentiary hearing on a claim only "if [the petition] alleges facts that, if proven, would entitle [petitioner] to relief." Turner v. Calderon, 281 F.3d 851, 890 (9th Cir. 2002).

1 file an opposition to the motion, if any, within fourteen days of service of the motion. Petitioner
2 may file a reply within seven days of service of the opposition.

3 DATED: October 19, 2006.

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6 UNITED STATES MAGISTRATE JUDGE
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